**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Montenegro**

**Main issues raised by TBs:**

* Discrimination against persons with disabilities, in particular children with disabilities
* Unemployment of persons with disabilities, and need for special measures
* Awareness-raising campaigns to combat the stigmatization, prejudice and discrimination, in particular against children with disabilities
* Institutionalisation of children with disabilities and monitoring system for residential care institutions
* Need for comprehensive and disaggregated data collection, including on employment and education of persons with disabilities, and on children with disabilities
* Prevalence of corporal punishment against children with disabilities
* Need to increase the low social security benefits for persons with disabilities, and supports for families of children with disabilities
* Inclusive education: lack of enrolment of children with disabilities in mainstream schools
* Lack of access to health and rehabilitation services, in particular of children with disabilities, and to sexual and reproductive health information and services, notably for women with disabilities

Concluding observations of the CAT Committee, [CAT/C/MNE/CO/2](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MNE/CAT_C_MNE_CO_2_17275_E.doc), 2014

4. The Committee welcomes the State party’s ratification of the following international and regional instruments:

 (b) The Convention on the Rights of **Persons with disabilities** and its Protocol, in 2009;

9. While noting that the Protector for Human Rights and Freedoms was designated as national preventive mechanism (NPM), following Montenegro’s ratification of the OPCAT, the Committee is concerned at the lack of information about the legal framework and the provision of resources and staff in order to effectively discharge its duties. The Committee is also concerned at the lack of full independence and the inadequate human and financial resources allocated to this institution. (arts. 2 and 11)

The State party should take measures to further strengthen the institution of the Protector for Human Rights and Freedoms in accordance with the Paris Principles (General Assembly resolution 48/134, annex) and to ensure sufficient financial and human resources to carry out its mandate independently and effectively, in particular given the expanded mandates and powers as the NPM.

17. While noting the State party’s commitment to improve the conditions of detention, through a European Union project, the Committee remains concerned at the overcrowding, the conditions of detention facilities, especially in the Remand Prison in Podgorica, such as the overcrowding, the inadequate access to health care and the lack of meaningful activities and rehabilitation programmes. The Committee regrets the lack of information on inter-prisoner violence and sexual violence in prisons. (arts. 11 and 16)

The State party should strengthen its efforts to improve prison conditions in conformity with the Standard Minimum Rules for Treatment of Prisoners (Economic and Social Council by its resolutions 663 C (XXIV) and 2076 (LXII)), by reducing the high rate of overcrowding, in particular through the wider use of alternative to imprisonment, in the light of the UN Standard Minimum Rules for Non- custodial Measures (the Tokyo Rules) and providing access to full health protection for prisoners, and to effectively implement alternative sanctions and rehabilitation programmes. The Committee also recommends that the State party take appropriate measures to prevent sexual violence in prisons, including interprisoner violence.

19. While noting the Stat party’s efforts to combat gender-based violence, including the adoption of the 2010 Law on Domestic Violence Protection and the 2011-2015 Strategy for Combating Domestic Violence, the Committee expresses its concern at: (art. 16)

 (a) Reported lack of implementation of existing legislation and policy;

 (b) The prevalence of violence against women and, in particular, domestic violence, as well as the low reporting on such violence;

 (c) The lack of effective investigation of reports of violence and of prosecutions, mild sentencing of perpetrators and inadequate protection of victims, with protection orders being used only in a limited manner.

Recalling the recommendations made by the Committee on the Elimination of Discrimination against Women in 2011 (CEDAW/C/MNE/CO/1, para.19), the State party should increase its efforts to prevent, combat and punish violence against women and domestic violence, in particular by conducting impartial, prompt and effective investigations into reports of violence, punishing perpetrators with appropriate penalties, providing adequate protection to those at risk of violence and assistance to the victims and establishing support services for victims. The State party is encouraged to conduct broader awareness-raising campaigns and training on domestic violence for law enforcement personnel, judges, lawyers and social workers who are in direct contact with the victims as well as for the public at large.

21. While welcoming Montenegro’s commitment, made during the UPR, to explicitly prohibit corporal punishment of children in all settings (A/HRC/23/12/Add.1, para.21), the Committee notes that corporal punishment of children is not explicitly prohibited in the home and alternative care settings and that corporal punishment is still widely practised in society and acceptance as form of discipline in Montenegro. (art. 16)

The State party should adopt and implement legislation explicitly prohibiting corporal punishment in all settings, supported by the necessary awareness-raising and educational campaigns about the negative impact of corporal punishment on children.

22. While noting the efforts made by State party, including the adoption of the Law on Prohibition of Discrimination, in 2010 and of the Law on Amending the Criminal Code in 2013, which sanctions hate crime, the Committee remains concerned at any discriminatory treatment against ethnic minorities, in particular people of Roma, Ashkali and Egyptian origin, as well as their deplorable living conditions resulting from such treatment. (art. 16)

The State party should redouble efforts to protect ethnic minorities, in particular people of Roma, Ashkali and Egyptian origin, from discriminatory treatment including through increased awareness-raising and information campaigns to promote tolerance and respect for diversity.

23. While noting the adoption of the Strategy for the advancement of quality of life for lesbian, gay, bisexual and transgender (LGBT) persons 2013-2018 and that the Law on Prohibition of Discrimination which prescribes protection against discrimination on grounds of gender identity and sexual orientation, the Committee remains concerned at continuing reports of violence against and discrimination of the LGBT community, as shown in the allegations of death threats against LGBT activist Zdravko Cimbaljević. (arts. 2 and 16)

The State party should take effective measures to protect the LGBT community from attacks and abuse, inter alia, by ensuring that all acts of violence are promptly, effectively and impartially investigated and prosecuted, perpetrators brought to justice and victims provided with redress.

Concluding observations of the CESCR Committee, [E/C.12/MNE/CO/1](http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/C.12/MNE/CO/1&Lang=E), 2014

Non-discrimination

10. The Committee regrets the lack of comprehensive statistical data available to identify discrimination in the enjoyment of the Covenant rights on the basis of the different grounds outlined in article 2, paragraph 2, of the Covenant. In addition, while noting the adoption of amendments to the Law on Amendments to the Law on the Prohibition of Discrimination, in March 2014, the Committee is concerned that members of national and ethnic minorities, refugees, displaced persons, Roma, **persons with disabilities**, and members of other marginalized groups continue to face discrimination with regard to the enjoyment of their economic, social and cultural rights (art. 2, para. 2).

The Committee recommends that the State party intensify its efforts to promote equality and combat discrimination against members of national and ethnic minorities, refugees and displaced persons, including persons of Roma, Ashkali and Egyptian origin, **persons with disabilities**, and other marginalized persons and groups, particularly in relation to their access to employment, social security, housing, health care and education. It also recommends that the State party ensure the systematic application of anti-discrimination legislation, taking due account of all prohibited grounds for discrimination as contained in article 2, paragraph 2, of the Covenant and elaborated in the Committee’s general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Unemployment

12. While noting the measures taken by the State party to combat unemployment, such as vocational employment programmes for university graduates, the Committee remains concerned at the high unemployment rate, particularly among young people and in the northern region, and at the high rate of long-term unemployment.

The Committee recommends that the State party intensify its efforts to reduce the unemployment rate through an effective employment policy that includes requalification, local employment initiatives, the granting of loans to promote entrepreneurship, and placement initiatives. The Committee also recommends that the State party take special measures, such as tax benefits for employers, to promote the employment of persons from marginalized groups, particularly in rural areas. The Committee urges the State party to establish objectives on an annual basis for the employment of **persons with disabilities** and to collect reliable data on the extent of their unemployment.

Social security

16. While welcoming the adoption in May 2013 of the Law on Social and Child Protection, the Committee is concerned at the lack of capacity of State institutions to implement the law effectively. It also notes with concern that social assistance benefits, including for unemployed persons, older persons and **persons with disabilities**, are insufficient to ensure an adequate standard of living for the persons concerned and their families (art. 9).

The Committee calls upon the State party to:

(a) Ensure the effective implementation of the Law on Social and Child Protection in practice, including by increasing the capacity of and coordination among State institutions;

(b) Increase social assistance benefits, taking into account the Committee’s general comment No. 19 (2007) on the right to social security, in order to ensure that all individuals and families throughout the State party, including unemployed persons, older persons and **persons with disabilities**, enjoy an adequate standard of living;

(c) Provide, in its next periodic report, information on the extent of social security coverage, disaggregated inter alia by sex, urban/rural population, residency status and national or ethnic origin.

Sexual and reproductive health

24. The Committee is concerned at the disproportionate ratio of male to female births, which may indicate a practice of sex-selective abortions due to discrimination against women. While welcoming the information provided by the State party that sexual and reproductive health and rights are now taught as a mandatory subject in primary, secondary and vocational schools, it is concerned at the lack of information available on measures taken to increase access to contraceptives and to reproductive health services and information, particularly in relation to marginalized communities (arts. 3 and 12).

The Committee recommends that the State party:

(a) Conduct a comprehensive study on the prevalence of sex-selective abortions and take appropriate measures to address practices and social norms fuelling a preference for sons, with a view to eliminating such a practice;

(b) Make contraceptives widely available, accessible and affordable to all women and men of reproductive age, including adolescents;

(c) Ensure that individuals from marginalized groups, including refugees, displaced persons and **persons with disabilities**, also have access to education and information on sexual and reproductive health and rights that is comprehensive and age-appropriate.

Right to education

25. The Committee regrets the lack of disaggregated data on school enrolment and drop- out rates at various levels of education. It expresses concern at reports of a low rate of enrolment, low levels of school attendance, a high drop-out rate and low educational attainment among children of Roma, Ashkali and Egyptian origin, and a lack of enrolment of **children with disabilities** in mainstream schools (arts. 13 and 14).

The Committee recommends that the State party:

(a) Collect disaggregated data on school enrolment and drop-out rates at various levels of education, including in relation to **children with disabilities**, asylum-

seekers, refugees, and displaced persons, that is also disaggregated by sex and national or ethnic origin, to identify obstacles to accessing and continuing education and to devise appropriate strategies;

(b) Intensify its efforts to ensure that all children of Roma, Ashkali and Egyptian origin have access to education, including by ensuring that they have access to birth registration or identity documents, by providing free primary education, textbooks and transportation, by raising awareness among parents of the value of continued education for their children’s long-term socioeconomic prospects, and by increasing the number of Roma teaching assistants and the use of the Roma language in schools;

(c) Ensure that all **children with disabilities** have access to quality and appropriate education.

Concluding observations of the CEDAW Committee, [CEDAW/C/MNE/CO/1](http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-MNE-CO-1.pdf), 2011

30. The Committee is concerned about the low prevalence of contraceptives and inadequate access to sexual and reproductive health services and information, especially for **disabled** women, Roma, Ashkali and Egyptian women and displaced/refugee women, in particular in rural areas. It also notes with concern that education on sexual and reproductive health and rights at the secondary level is only optional.

31. By reference to its general recommendation No. 24 (1999), the Committee calls on the State party to:

(a) Ensure that all women and girls, including **women with disabilities**, Roma, Ashkali and Egyptian women, and displaced/refugee women, have free and

adequate access to contraceptives, sexual and reproductive health services and information in accessible formats, including in rural areas;

(b) Raise awareness, through education campaigns, enhanced counselling services and the media, about the importance of using contraceptives for family planning and the prevention of sexually transmitted diseases, including HIV/AIDS; and

(c) Include mandatory education on sexual and reproductive health and rights in the regular school curricula at the secondary level.

Concluding observations of the CRC Committee, [CRC/C/MNE/CO/1](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsh%2fK7f6xNL3lAd9qv8%2fbfpLdQ6j973HrwroHK87XVkgMOGJrNw6Kse8WRId06t%2bPIL%2bot%2b02pf8GhFv3z0fDikLRWURay6GAE9e4IkiBNc%2b%2b), 2010

Allocation of resources

13. The Committee is concerned at the inadequately low proportion of State annual budget allocated to health care, family support and other areas of direct relevance to children, and the decrease in allocations for education.

14. The Committee recommends the prioritization of children’s rights and welfare in the State party’s budget policy. In this regard, the Committee recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognized in the Convention and especially for education, health care and family support. In this regard the Committee urges the State party to pay particular attention to economically disadvantaged, marginalized and neglected children, including Roma, Ashkali and Egyptian children and **children with disabilities**, with a view to alleviating disparities, deficits and inequalities. Furthermore, the Committee recommends that the State party strengthen the skills of the personnel of the administration of the child protection system as well as local Governments in planning and management of budgets that address the needs of children and families.

Non-discrimination

25. While noting the efforts undertaken by the State party to counter discrimination especially against minorities through a variety of laws, strategies, plan of actions and projects, the Committee is concerned at the persistent de facto discrimination against inter alia children belonging to minority groups, refugee children, and **children with disabilities**, in particular with regard to access to education, health care and housing.

26. The Committee recommends that the State party:

(a) Effectively ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention by implementing the existing laws; and

(b) Continue to undertake comprehensive public education campaigns to prevent and combat negative societal attitudes and behavior based on sex, age, race, nationality, ethnicity, religion and disability.

27. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and at the Durban Review Conference in April 2009, also taking into account the Committee’s general comment No. 1 (2001) on the aims of education.

Corporal punishment

36. The Committee is concerned at the lack of information provided by the State party on the prohibition of corporal punishment. Furthermore, the Committee is concerned that corporal punishment is widely practiced in the family, in schools, in institutions, in the juvenile justice system and in other settings. Furthermore, the Committee is deeply concerned at the high prevalence of use of corporal punishment against **children with disabilities**.

37. The Committee urges the State party, by taking into account its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), to:

(a) Amend all relevant laws to ensure that corporal punishment is explicitly prohibited in all settings, including the family and alternative care settings, and ensure the effective implementation of these laws;

(b) Conduct awareness-raising campaigns to inform the public about the negative impact of corporal punishment on children and actively involve children and the media in the process;

(c) Promote non-violent, positive, participatory methods of childrearing and education and reinforcing knowledge among children of their right to protection from all forms of corporal punishment; and

(d) Bring offenders before the competent administrative and judicial authorities.

Family environment

39. The Committee notes that several reforms in the child care system have been undertaken and that some family support services have been provided. However, the Committee is concerned that the support provided to families with children and especially to families in a crisis situation due to poverty, families caring for **children with disabilities** and to single-parent households remains insufficient and sporadic. In that regard the Committee is also concerned at the insufficient availability of family counseling services and parental education programmes as well as professional staff trained to identify and address family problems.

40. The Committee recommends that the State party:

(a) Increase support to families in carrying out their parental responsibilities, inter alia, by creating a social network of child protection at community level and strengthening the family structure;

(b) Provide economic and social assistance programmes for families with special attention to most vulnerable families, such as Roma, Ashkali and Egyptian families, the families caring for **children with disabilities** and single-parent families;

(c) Develop and financially support community-based and family-focused services; and

(d) Strengthen social services providing family counseling and parenting education and train professionals, including social workers providing assistance to parents in the upbringing of their children and provide them with continuous, gender sensitive and targeted training.

**Children with disabilities**

47. While welcoming the adoption of a number of strategies for the social integration of **children with disabilities** the Committee is deeply concerned at the societal discriminatory attitudes faced by these children.. Furthermore, the Committee is concerned at the lack of statistical data on **children with disabilities**. While noting that the situation in the institution “Komanski Most” has been addressed to a certain degree, through the Spate party’s efforts to provide services for children in separate buildings, the Committee is concerned that **children with disabilities** are still placed in the institution for adults. The Committee is also concerned at the persisting shortage of resources for the development of educational, social and health services for **children with disabilities** and their families and at the shortage of early intervention services for these children.

48. The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for **Persons with disabilities** (General Assembly resolution 48/96) and the Committee’s general comment No. 9 (CRC/C/GC/9) on the rights of **children with disabilities**, take all necessary measures to:

(a) Undertake long-term awareness raising programmes in order to change and combat negative societal attitudes prevailing against **children with disabilities**;

(b) Collect adequate statistical data on **children with disabilities**;

(c) Develop a comprehensive national policy on disability, which promotes the full enjoyment of all human rights and fundamental freedoms by all **children with disabilities**, with special focus on deinstitutionalization and the right to live in their families and communities;

(d) Provide **children with disabilities** and their families with adequate support, including access to social protection to allow them to remain within their families;

(e) Expand, as indicated by the State party, the network of Day Care Centers for **Children with disabilities** who cannot be integrated into the regular educational system;

(f) Establish a monitoring system for residential care institutions which closely examines the rights of **children with disabilities**, as well as ensure that monitoring incorporates concrete steps to follow up recommended actions, and favours the participation of civil society organizations;

(g) Provide training for professional staff working with **children with disabilities**, such as teachers, social workers and medical, paramedical and related personnel;

(h) Continue its efforts to include **children with disabilities** in the general school system, provide the needed personnel and material resources to the schools in which these children are enrolled and reduce the number of schools for children with special educational needs to the unavoidable minimum; and

(i) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based early intervention and rehabilitation programmes, including parent support groups.

 Health and health services

49. While noting the health reform underway since 2003, the Committee is concerned at the overall insufficient quality of health services, including the low quality of care in health facilities. Furthermore, the Committee is concerned at limited and inequitable access to adequate health-care services outside the capital and that this especially affects Roma, refugee children and **children with disabilities**.

50. The Committee recommends that the State party:

(a) Increase efforts to improve sanitation and quality of care in health facilities;

(b) Address inequalities in access to health services through, inter alia further development of primary health care services and by implementing a coordinated approach across all government departments, including better coordination between health policies and those aimed at reducing poverty and social exclusion;

(c) Develop a comprehensive programme to improve mother and child health, including through basic health care services for the most vulnerable children, in particular for Roma children, children living in rural areas and refugee children; and

(d) Continue to seek cooperation from UNICEF and WHO in its efforts to improve the health situation of children.

Adolescent health

53. The Committee is concerned at the high number of teenage pregnancies and abortions, the lack of information provided on child and adolescent mental health services and the increasing incidence of drug, tobacco and alcohol use among children. Furthermore, the Committee is concerned at the lack of training provided to health professionals on health promotion and involvement of NGOs in that regard.

54. The Committee recommends that the State party, by taking into account the general comment No. 4 on adolescent health and development (CRC/GC/2003/4) of 2003:

(a) Adopt standards for adolescent friendly health services and a comprehensive strategy for the implementation and monitoring of these services;

(b) Provide adolescents with appropriate reproductive health services, including reproductive health education, in school in order to reduce the number of teenage pregnancies, and develop adolescent-friendly programmes to assist teenage mothers and their children;

(c) Strengthen training, in collaboration with NGOs, of general practitioners, nurses, social workers and other primary-care workers in the field of health promotion, including healthy lifestyles and emotional well-being of adolescents, with a view to improving the capacity and quality of health professionals in the country;

(d) Develop a comprehensive mental health policy, including mental health promotion outpatient and inpatient services for adolescents with mental health disorders, as well as programmes to support families with children at risk; and

(e) Address the incidence of drug, tobacco and alcohol use among children by, inter alia, providing children with accurate and objective information about substance use, including tobacco use and improve access to rehabilitation services.

Education, including vocational training and guidance

59. While welcoming the State party’s education reform, as well as the efforts undertaken to better integrate Roma children in mainstream schools as well as the Strategy for inclusive education adopted in 2008, the Committee is concerned at the limited achievements reached through these measures. The Committee is particularly concerned at:

(a) The low quality of education, including poor school equipment and the low teacher/pupil ratio;

(b) Hidden expenses resulting from the purchase of textbooks and school accessories;

(c) The barriers to accessing education for children lacking birth registration and identity documents, Roma children and **children with disabilities**;

(d) The large number of Roma, Ashkali and Egyptian children that are still not enrolled in schools, have lower school attendance rates and have a high drop-out rate;

(e) The lack of data on education;

(f) The prevalence of violence in schools; and

(g) The low availability of holistic early childhood development and education, facilities and institutions.

60. The Committee recommends that the State party:

(a) Increase the quality of schools, in particular by introducing interactive teaching methods, better equipment of schools, increasing the teacher/pupil ratio, teacher training and in-service training and active involvement of teachers in reform processes;

(b) Ensure that education is also de facto free of charge;

(c) Undertake immediate measures to ensure that children are not denied access to education on any grounds;

(d) Strengthen its efforts to integrate Roma, Ashkali and Egyptian children into the general school system by enhanced teacher training, curriculum revisions and appropriate teaching and learning methods as well as intensified parental education and participation;

(e) Undertake measures to effectively address the comparatively higher drop-out rates among Roma children and ensure that Roma children are adequately prepared for higher education and vocational training;

(f) Collect adequate statistical data on education;

(g) Continue to implement prevention programmes in order to promote non violent relations and to end violence in schools; and

(h) Raise awareness with respect to pre-schools and early-learning opportunities by taking into account the Committee’s General Comment No. 7 (2005) on implementing child rights in early childhood (CRC/C/GC/7/Rev.1).